

Message Text

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TAGS: ILO/PLAB, UN

SUBJECT: WFTU COMPLAINT WITH ILO CONCERNING ALLEGED
VIOLATION OF FREEDOM OF ASSOCIATION IN PUERTO RICO

1. ON NOVEMBER 18, 1977, THE WORLD FEDERATION OF TRADE
UNIONS (WFTU) SENT A COMMUNICATION TO THE DIRECTOR-GENERAL
OF THE INTERNATIONAL LABOR ORGANIZATION ("ILO") WHICH SUG-
GESTED THAT THE UNITED STATES WAS INVOLVED IN THE DEATH OF
JUAN RAFAEL CABALLERO SANTANA, AN ACTIVE LABOR LEADER, AND
ALLEGED INFRINGEMENTS OF TRADE UNION RIGHTS IN PUERTO RICO.
THE UNITED STATES WAS NOT A MEMBER OF THE ILO AT THE TIME
OF THE COMPLAINT. THEREFORE, IN ACCORDANCE WITH ECOSOC
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RESOLUTION 277(X) WITH RESPECT TO COMPLAINTS AGAINST NON-
MEMBERS OF THE ILO WHO ARE MEMBERS OF THE UNITED NATIONS,
THE COMPLAINT WAS REFERRED TO THE ECONOMIC AND SOCIAL
COUNCIL.

2. ON APRIL 22, 1978, THE U.S. MISSION TO THE U.N. RE-
CEIVED A NOTE FROM THE U.N. SECRETARY-GENERAL TRANSMITTING

A COPY OF THE WFTU COMMUNICATION TO THE ILO AND SEEKING THE CONSENT OF THE U.S. GOVERNMENT TO HAVING ECOSOC CONSIDER WHETHER THE COMMUNICATION WAS SUITABLE FOR TRANSMISSION THROUGH THE ILO GOVERNING BODY TO A SPECIAL ILO FACT-FINDING AND CONCILIATION COMMISSION. THIS PROCEDURE IS

ALSO PROVIDED FOR IN ECOSOC RESOLUTION 277(X). THE NOTE FROM THE SYG STATED THAT THE COMMUNICATION WOULD BE BROUGHT TO THE ATTENTION OF ECOSOC AT THE SECOND REGULAR SESSION IN 1978 AND ALSO REQUESTED A RESPONSE FROM THE U.S. GOVERNMENT NO LATER THAN MAY 15, 1978.

3. THE DEPARTMENT HAS BEEN UNABLE, AS OF YET, TO OBTAIN DETAILED INFORMATION ON THE DEATH OF SANTANA. HOWEVER, THE PUERTO RICAN SECRETARY OF JUSTICE, MIGUEL GIMINEZ MUNOZ HAS INDICATED THAT THE CASE IS PRESENTLY SUB JUDICE. HE HAS INDICATED THAT HE WILL SEND US RELEASABLE INFORMATION PROMPTLY, BUT HAS ALSO INDICATED THAT MUCH INFORMATION CANNOT BE DISCLOSED NOW IN ORDER TO PROTECT THE RIGHTS OF THE PARTIES CHARGED AND THE STATE'S CASE.

4. IF THE U.S. GOVERNMENT CONSENTS, ECOSOC WILL CONSIDER WHETHER THE COMPLAINT IS SUITABLE FOR TRANSMITTAL TO THE INTERNATIONAL LABOR ORGANIZATION FACT-FINDING AND CONCILIATION COMMISSION THROUGH THE ILO GOVERNING BODY. THE FACT-FINDING AND CONCILIATION COMMISSION, WHOSE TERMS OF LIMITED OFFICIAL USE

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REFERENCE ARE SET OUT IN A LETTER OF JANUARY 1950 FROM THE DIRECTOR-GENERAL OF THE ILO TO THE SYG OF THE U.N., WILL INVESTIGATE THE COMPLAINT AND TRANSMIT TO ECOSOC THE COMMISSION'S FINDINGS. THE FINDINGS WILL BE PUBLISHED IN THE ANNUAL REPORT OF THE INTERNATIONAL LABOR ORGANIZATION TO THE UNITED NATIONS.

5. IF THE U.S. DOES NOT CONSENT TO THE TRANSMITTAL, ECOSOC WILL GIVE CONSIDERATION TO SUCH REFUSAL WITH A VIEW TO TAKING ANY APPROPRIATE ALTERNATIVE ACTION DESIGNED TO SAFEGUARD THE RIGHTS RELATING TO FREEDOM OF ASSOCIATION INVOLVED IN THE CASE.

6. REGARDLESS OF THE MERITS OF THE COMPLAINT, WE BELIEVE THE U.S. SHOULD CONSENT TO ECOSOC'S CONSIDERATION OF TRANSMITTAL OF THE COMPLAINT FOR THE FOLLOWING REASONS:

A. PRESIDENT CARTER'S EMPHASIS ON HUMAN RIGHTS AND OUR SUPPORT FOR THE ILO MACHINERY IN HUMAN RIGHTS. (ONE OF THE PRIMARY REASONS FOR OUR WITHDRAWAL FROM THE ILO WAS THE REFUSAL OF THE ILO GENERAL CONFERENCE TO ACCEPT THE FINDINGS OF ITS SUB-BODIES WITH RESPECT TO VIOLATIONS OF

HUMAN RIGHTS.)

B. IN RECENT YEARS WE HAVE CRITICIZED THE ILO FOR ITS DOUBLE STANDARDS IN CITING OFFENDERS FOR THEIR INFRINGEMENT OF HUMAN RIGHTS. CONSENTING TO THE INVESTIGATIONS WOULD DEMONSTRATE OUR WILLINGNESS TO BE JUDGED ON OUR HUMAN RIGHTS RECORDS AS WELL AS TO JUDGE OTHER COUNTRIES

ON THEIR HUMAN RIGHTS RECORDS.

C. ECOSOC WILL CONSIDER THE COMPLAINT EVEN IF WE DO NOT CONSENT. THEIR CONSIDERATION IS LIKELY TO BE MORE POLITICIZED THAN CONSIDERATION IN A SMALL GROUP.

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D. THE UNITED STATES RECORD ON HUMAN RIGHTS HAS BEEN REVIEWED BY THE ILO IN THE PAST, BOTH IN GENERAL AND SPECIFIC TERMS, WITH SATISFACTORY RESULTS.

7. ACTION. DEPT REQUESTS THAT AMBASSADOR YOUNG CONVEY OUR CONSENT IN A LETTER TO THE SECRETARY GENERAL WITH FOLLOWING SUBSTANCE:

I AM RESPONDING TO YOUR LETTER OF APRIL 11, 1978 TRANSMITTING A COPY OF A COMMUNICATION FROM THE WORLD FEDERATION OF TRADE UNIONS DATED NOVEMBER 18, 1977 TO THE INTERNATIONAL LABOR ORGANIZATION ALLEGING INFRINGEMENT OF TRADE UNION RIGHTS IN PUERTO RICO.

THE UNITED STATES GOVERNMENT NOTES THAT UNDER ECOSOC RESOLUTION 277(X) OF FEBRUARY 17, 1950 COMPLAINTS AGAINST MEMBERS OF THE UNITED NATIONS WHO ARE NOT MEMBERS OF THE INTERNATIONAL LABOR ORGANIZATION MAY BE SENT BY ECOSOC TO THE ILO FACT-FINDING AND CONCILIATION COMMISSION FOR INVESTIGATION, PROVIDED CONSENT OF THE GOVERNMENT CONCERNED IS GIVEN. I WOULD LIKE TO INFORM YOU THAT THE UNITED STATES GOVERNMENT GIVES ITS CONSENT TO HAVING ECOSOC CONSIDER WHETHER THE COMPLAINT IS SUITABLE FOR TRANSMISSION THROUGH THE ILO GOVERNING BODY TO THE COMMISSION FOR INVESTIGATION. VANCE

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